

REMARKS

Claims 1-10 are pending in the application.

The Examiner notes that Applicant's election of groups A-1, B-1, C-1, E-1, F-1 and G-7 is inconsistent with the claim 1 recited etching of a first layer with an etch selective for the first layer relative to a second layer. Applicant thanks the Examiner for the careful reading of the claims and hereby changes the election to be in an election of groups A-1, B-1, C-2, E-1, F-1 and G-1 (with the groups being those delineated by the Examiner in the Office Action Mailed March 2, 2005). Applicant again notes that group A-1 can be generic to group A-2 since a construction comprising three layers also comprises two layers, and similarly group F-1 can be generic to groups F-2 and F-3.

The Examiner continues to contend that claims 1-3 are not generic. The Examiner cites MPEP 806.04(d) to support his position. The Examiner is mistaken in his interpretation of MPEP 806.04(d). Specifically, the MPEP section is stating that a generic claim cannot include limitations not present in each of the added species claims, or in other words, that the claims to species which are to be included in a case in addition to a single species must contain all of the limitations of the generic claim. In the present case, the species claims 4-10 all contain all of the limitations of the generic claims 1-3. Accordingly, claims 1-3 are appropriately generic to all of the species claims 4-10 and applicant therefore continues to traverse the Examiner's position that claims 1-3 are not appropriately generic to the remaining claims 4-10.

The Examiner's concerns regarding the breadth of the term "mass" are noted, but Applicant believes that the term properly conveys an intended breadth to claim 1, and thus chooses to utilize the term "mass" in the claim.

Respectfully submitted,

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By: 

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